

Village of Croton-on-Hudson  
Water Control Commission Meeting of  
July 27, 2016

**PRESENT:** Stuart Greenbaum, Chair  
Ian Arturo  
Mark Goldfarb

**ABSENT:** Charles Kane  
Gail Sasso

**ALSO PRESENT:** Daniel O'Connor, Village Engineer

**1) Call to Order:**

The Water Control Commission Meeting of July 27, 2016 was called to order at 7:30 P.M.

**2) Old Business**

- a) **New York State Department of Environmental Conservation (NYSDEC) – Croton River (Section 79.10 Block 1 Lot 4)** – Application for Wetlands Activity Permit for the proposed herbicide application (endothall) in a portion of the Croton River to control an invasive aquatic plant (Hydrilla).

In an email to Village Manager King, the NYSDEC requested that the application be continued to the next WCC meeting.

**3) New Business**

- a) **Lewis, Thomas, Agent for Trillium Invasive Species Management, Inc. – Croton Landing Park (Sec. 67.19 Blk. 5 Lot 1), Senasqua Park (Sec. 78.12 Blk. 1 Lot 1), Duck Pond Park (Sec. 79.09 Blk. 10 Lot 1), and Kaplan's Pond open space area (Sec. 67.16 Blk. 2 Lot 22)** – Application for wetlands permit for a multi-year herbicide application project to control phragmites australis and knotweed (invasive species) in Croton Landing, Senasqua, and Duck Pond Parks, and Kaplan's Pond open space area.

Mr. Lewis was in attendance. He is proposing a project to control the invasive species – australis phragmites and japanese knotweed, in four Village parks. The cutting phase of the project for phragmites has already been initiated and 6 weeks later foliar application of the glyphosate based herbicide Rodeo will take place in the dense areas.

Mr. Lewis said that during the cutting of the phragmites, porcelainberry, another invasive species, was noticed in Croton Landing Park and at Kaplan's Pond. There is enough of the porcelainberry to eventually overtake Croton Landing Park and for that reason, he is proposing to include treatment of the porcelainberry, in the same proposed treatment areas at Croton Landing Park and Kaplan's Pond open space area.

Mr. Goldfarb asked what effect the herbicide could have on non-targeted plants. Mr. Lewis explained that any plant in contact with the herbicide could be harmed and could have a potential impact; that is the reason that the foliar application is proposed for the dense areas. Hand wiping and cut stem methods would be used to lessen impact to off-target areas. Other factors would also be taken in account such as wind speed; spraying would not be done in windy conditions to safeguard the off-target areas.

Chairman Greenbaum asked when the first application is planned and Mr. Lewis replied that the cutting phase has already taken place at all the sites; the herbicide application would take place in late summer (early to mid-September) and a re-application would take place about 4 weeks after that.

Mr. O'Connor asked if the porcelainberry is not treated, could it kill surrounding trees. Mr. Lewis answered that it could and that in a couple of years could take over entire areas.

Chairman Greenbaum then asked how this project compared to the Arboretum project. Mr. Lewis said that they had not treated any japanese knotweed; that collectively the treatment areas are about 1/3 the size of that at the Arboretum, and that he considers the Arboretum treatment project a success.

Merrily Besvinick, a member of the public, spoke next. She said that she has been active in Village activities for a long time and is currently a member on the Arboretum's Board. She showed the WCC Members a recent photo taken at Croton Landing Park after the cutting phase of the phragmites. She said that before the cutting you could hardly see the parking lot from her vantage point; she has seen the phragmites take over areas in the Park. She congratulated the Board for the speedy action taken with regard to the control treatment at the Arboretum and commended Mr. Lewis' work. She said, unfortunately, she cannot say the same for the Hudson National Golf Club (HNGC).

In response to Mr. O'Connor's inquiry, she said she had seen no damage to non-targeted areas at the Arboretum.

Chairman Greenbaum stated that at the last meeting, he mentioned concern with regard to phragmites at HNGC to Mr. O'Connor and that Mr. O'Connor has been told that the phragmites will be cut in early August and that HNGC will be issuing a report on its control plan and on the outcome.

Mr. Arturo expressed concern as to whether HNGC is using updated maps with regard to the appropriate treatment areas and Mr. O'Connor said he did not know but would see what information is available.

Chairman Greenbaum then asked that the draft memo to the WAC be modified to include the proposed treatment of porcelainberry in the same proposed treatment areas as the phragmites and the knotweed.

Mr. Lewis stated that typically with an herbicide application 70%, maybe even 80%, control is achieved with regard to the phragmites and the knotweed; the porcelainberry is more difficult.

Mr. Lewis also stated that the enclosed maps are not exact and the invasive species can only be treated on Village property; however, because of the inexactness of the maps, the neighbors at Kaplan's Pond have no issue with the proposed treatment.

Mr. Arturo then made a motion to declare the WCC the Lead Agency, refer the application to the WAC for review with the Village's LWRP, and amend the draft memo to include proposed treatment of porcelainberry at the same treatment areas at Croton Landing Park and Kaplan's Pond open area space. Mr. Goldfarb seconded the motion. The motion passed with all three Members present voting in favor.

**b) Masur, Richard – 1329 Albany Post Road (Section 67.14 Block 3 Lot &) –**  
Application for wetlands (watercourse) activity permit for disturbance in a  
wetland (watercourse) buffer zone for a proposed inground pool and patio.

Mr. Masur was in attendance tonight. He said he had no presentation ready but was present to answer any questions.

Mr. O'Connor started the discussion by asking about the five trees that are proposed to be taken down. Mr. Masur said that five larger trees are proposed along with some smaller pine trees which he had planted. He said only two of the larger trees are mature. One of the two is a sugar maple and he was not sure about the species of the other one.

Mr. Masur then distributed photos of his property to the Board. The Board was interested in the distances of the pool and patio to the edge of the stream. With the aid of an enlarged drawing Mr. O'Connor illustrated the layout of the property. He said the pool would be a distance of 31' to 33' from the stream and the patio would be 14' to 20' from the stream. He also said the entire property is in the buffer zone.

Mr. Masur then spoke about drainage on the property and Mr. O'Connor and the Board discussed storm management.

Mr. O'Connor then showed each plan in the plan set to the Board and spoke about how the contractor would be accessing the work area with a small excavator by way of the driveway.

Chairman Greenbaum said that the proposed locations of the pool and patio are so close to the watercourse.

Mr. Masur pointed out where the retaining walls would be placed.

Chairman Greenbaum then expressed concern as to how the watercourse could be protected against negative impact once the pool and patio are installed and then asked about the filtration system. Mr. Masur replied that a saline system with a sand filter would be used and in reply to Mr. O'Connor's question about the placement of the dry well, Mr. Masur acknowledged that he did not have enough information about the dry well. Mr. O'Connor suggested the use of native plants in the area. Chairman Greenbaum then asked if any herbicides are used or will be used on the property and Mr. Masur replied in the negative.

Mr. Masur then spoke about the pool itself and that there was talk with his contractor about a pipe in the ground. Mr. O'Connor said that on pipe discharge there is typically rip rap. Mr. Masur said that irregular bluestone would be used for the patio.

Mr. Arturo asked if Mr. Masur could see any situation where the pool would need to be drained and Mr. Masur said he did not know for sure. Mr. O'Connor said usually if the surface is refinished, the pool would need to be drained and in order to comply with the NYS Department of Conservation the water would need to be dechlorinated for a week.

Mr. Arturo then stated that in his opinion the pool and patio are close to the watercourse but if the entire area is pervious, and if the water is going through a pavement system, and if sufficient vegetation is provided, he might be agreeable to the application.

The Board had concerns and needed more information about the dry well, drainage, and bulking up the vegetation around the stream buffer and discussed making a drainage plan and erosion control plan as a possible condition. The Board felt it did not have sufficient information on these concerns to vote on the application.

Mr. O'Connor said he would send Mr. Masur an email specifying what is needed for the next meeting. It was suggested that a landscape architect would be beneficial at the next meeting.

The Board took no action tonight on the application and continued it to the next meeting.

#### **4) Other Business:**

Mr. O'Connor informed the Board that at the next WCC meeting, it would be hearing an application by Con Edison involving a gas installation project on lower Brook Street and that Con Edison is asking that the Board modify an existing generic wetland permit to include this project.

#### **5) Approval of Minutes:**

Mr. Arturo made a motion to approve the minutes of the July 20, 2016 meeting of the Water Control Commission. The motion was seconded by Chairman Greenbaum and the motion passed with a vote of 3 to 0.

**6) Adjournment:**

The meeting was adjourned at 9:10 P.M.

Respectfully submitted,

Toni Cruz  
Secretary, Water Control Commission